

**FORM TO BE USED BY A PRISONER FILING A
42 U.S.C. § 1983 CIVIL RIGHTS COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

I. CAPTION

Dontae Anderson
(Enter the full name of the plaintiff or plaintiffs)
v.

Commonwealth of Pennsylvania
Lehigh County Jail
Lehigh Valley Pretrial Service Inc
(Enter the full name of the defendant or defendants)

II. PARTIES

a. Plaintiff

Full name: Dontae Anderson

Prison Identification number: 184122

Place of present confinement: L.C.J

Address: 38 N. 4th St Allentown P.A. 18101

Place of confinement at time of incidents or conditions alleged in complaint, including address:

Lehigh County Jail

Additional plaintiffs: Provide the same information for any additional plaintiffs on the reverse of this page or on a separate sheet of paper.

b. Defendants: (list only those defendants named in the caption of the complaint, section I)

1. Full name including title: Commonwealth of Pennsylvania

Place of employment and section or unit: _____

2. Full name including title: Lehigh County Jail

Place of employment and section or unit: _____

3. Full name including title: Lehigh Valley Pretrial Service

Place of employment and section or unit: _____

4. Full name including title: _____

Place of employment and section or unit: _____

Additional defendants: Provide the same information for any additional defendants on the reverse of this page or on a separate sheet of paper.

III. PREVIOUS LAWSUITS

Instructions:

If you have filed other lawsuits in any federal or state court dealing with the same facts as this complaint or other facts related to your imprisonment, you must provide the information requested below. If you have not filed other lawsuits, proceed to Section IV, Administrative Remedies, on this page.

If you have filed other lawsuits, provide the following information.

Parties to your previous lawsuit:

Plaintiffs Dontae Anderson

Defendants Commonwealth of Pennsylvania

Issues: Unconstitutional confinement, cruel & unusual punishment,
Due Process, Mental anguish, harm from covid 19

Court: if federal, which district? Eastern Dist of Pennsylvania

if state, which county? _____

Docket number: 20-CV-4424 Date filed: 9-10-2020

Name of presiding judge: Honorable Cynthia M Rufe

Disposition: (check correct answer(s)): Date: January 12, 2021

Dismissed Reason? Sought habeas relief

Judgment In whose favor? procedural

Pending Current status? dismissal without prejudice

Other Explain _____

Appeal filed? Current status? reconsideration / No response

Additional lawsuits. Provide the same information concerning any other lawsuits you have filed concerning the same facts as this action or other facts related to your imprisonment. You may use the back of this page or a separate sheet of paper for this purpose.

IV ADMINISTRATIVE REMEDIES

Instructions:

Provide the information requested below if there is an administrative procedure to resolve the issues you raise in this complaint. Examples of administrative procedures include review of grievances, disciplinary action, and custody issues. If no administrative procedures apply to the issues in this complaint, proceed to Section V, Statement of Claim, on page 4.

a. Describe the administrative procedures available to resolve the issues raised in this complaint:

Type of procedure. (grievance, disciplinary review, etc.)

grievance / Petition to Court

Authority for procedure. (DC-ADM, inmate handbook, etc.)

Administration

Formal or informal procedure. both

Who conducts the initial review? LT / Judge Reithley Common

Plaint Court -

What additional review and appeals are available? None

b. Describe the administrative procedures you followed to resolve the issues raised in this complaint before filing this complaint:

On what date did you request initial review? Ward in grievance

What action did you ask prison authorities to take? off the lock down

medical discharge / Release on bail

What response did you receive to your request? Court procedure's /
Bail is appropriate

What further review did you seek and on what dates did you file the requests?

Federal Habeas Corpus / denied Failure to exhaust

What responses did you received to your requests for further review?

Failure to exhaust all state remedies, where it was
to prevent irreparable harm, and constitutional injury

c. If you did not follow each step of the administrative procedures available to resolve the issues raised in this complaint explain why?

I did it was to prevent me from catching covid19 and further
mental distress,

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Dontae Anderson

All other names by which
you have been known:

ID Number

184122

Current Institution

Lehigh County Jail

Address

38 N. 4th StreetAllentown

City

P.A

State

18101

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Commonwealth of PennsylvaniaJob or Title (*if known*)Judge Douglas G. Reichley

Shield Number

Common Pleas Lehigh County

Employer

Address

City

State

Zip Code

Individual capacity Official capacity

Defendant No. 2

Name

Kyle RussellJob or Title (*if known*)Warden

Shield Number

Employer

Lehigh County Jail

Address

38 N 4th StAllentown

City

P.A

State

184122

Zip Code

Individual capacity Official capacity

Defendant No. 3

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Janine Donate
Director
Lehigh County Jail
38 N. 4th St
Allentown PA 18101
City State Zip Code
 Individual capacity Official capacity

Defendant No. 4

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City of Allentown/Lehigh
County
PA
City State Zip Code
 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Due Process 14th Amendment, Equal Protection, 8th Amendment
cruel & unusual punishment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Defendant No. 5

Lehigh Valley Pretrial Services INC.

542 Hamilton Street

Allentown, P.A. 18101

✓ Official capacity

Defendant No. 6

Ashley R. Stumpp

Pretrial Officer

542 Hamilton Street

Allentown, P.A. 18101

✓ Individual capacity ✓ Official capacity

V. STATEMENT OF CLAIM

Instructions:

State here as briefly as possible the facts of your case. Use plain language and do not make legal arguments or cite cases or statutes. State how each defendant violated your constitutional rights. Although you may refer to any person, make claims only against the defendants listed in the Caption, Section I. Make only claims which are factually related. Each claim should be numbered and set forth in a separate paragraph with an explanation of how the defendants were involved. Use the reverse of this page or a separate sheet of paper if you need more space.

Statement of Claim:

Full statement is attach

VI. RELIEF

Instructions: Briefly state exactly what you want the Court to do for you.

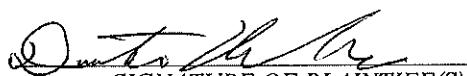
Relief sought:

Plaintiff seeks nominal damages against all defendants \$5,000,000. Plaintiff seeks monetary damages against all defendants \$ 10,000,000, Plaintiff seeks punitive Damages against all defendants \$20,000,000 - All defendants - Pain suffering, mental anguish, constitutional injury, distress of future pain and suffering.

VII. DECLARATION AND SIGNATURE

I (we) declare under penalty of perjury that the foregoing is true and correct.

2/23/21
DATE


SIGNATURE OF PLAINTIFF(S)

Statement of Claim

page (1)

Commonwealth of Pennsylvania

The Plaintiff Dontaie Anderson is a pretrial detainee be held on a weapon offence and DUI, his bail was set at \$50,000.

In the month of February covid19 hit the United State, and the country nation wide, shut down, due to the harmfulness and transmittability.

This shutdown included the Judicial system, The Pennsylvania Supreme Court declared, "Judicial Emergency." The Lehigh County Court Administrator in its Interim guidance on management provide procedure to protect the health and safety of court personnel, court users, and members of the public.

The Bureau of Prison's, Home Land Security, implemented Pandemic Response Requirements for, prison, county Jail's and detention facility. In March, 2020 the Center for Disease Control issued guidance of transmission of covid19/effects of covid19. In April, 2020 CDC inquiring further information of covid19, incorporated it within its guidance /transmission, spital droplets, person to person, surface to surface, aerosol spray [air born] thru all persons even asymptomatic. Those who seem disproportionately effected, people 65 or older and those any age with underline medical condition's [diabetes, immune compromise, cardiac disease, respiratory infections]. Preventive measure's, social distancing, hand washing a mask if possible. Closed in facilities prison type settings extremely difficult to prevent spread once enter into any facility. Those who are at higher risk to acceptability to covid19 [need extra precaution].

page (2.) statement of claim

Commonwealth of Pennsylvania

Lehigh County Jail, Court of Common Pleas along with Pretrial services, collectively sought to decrease population within the jail, in its attempt to save lives. Releasing inmate's, some where high risk some none violent. The Plaintiff sought bail modification and release due to covid19, his high risk medical condition [diabetics, hyper-tension, obesity, sleep apnea and a syncopal disorder. Plaintiff also has a cardiac device] and threat of contracting covid19 and becoming severely ill or dying. In February 2020, Judge Reichley ordered a psychiatric evaluation with a P.S.I., The court psychiatrist confirm the plaintiff mental disabilities [Bi-polar disorder, Major Depression disorder, Post Traumatic Stress disorder, anxiety and claustrophobia] For the plaintiff is legally disable and receive's social security, The courts psyche recommended treatment as oppose to incarceration. Judge Reichley refuse to grant relief to the plaintiff even having all the knowledge of covid19, knowing it would enter the jail, the condition's due to covid19 and the mitigation efforts [22 to 23 hr cell confinement, no visits, no religious services, education or treatment] place upon the mentally disable Plaintiff. On December 15, 2020 plaintiff tested positive for covid19.

The Judges actions was deliberately-indifferent, where he show a complete and utter reckless disregard to the plaintiff health, mentally and physical, were he was high risk to covid19 and needed extra precaution for the jail was unsafe. To knowingly subject the plaintiff to life threatening conditions was reckless endangerment.

page (3) Statement of Claim

Commonwealth of Pennsylvania

The plaintiff suffers from body chill's, headache's, sever fatigue muscle soreness and could die from covid19 in the future.

Through this time the plaintiff has also suffer sever mental harm he often loose touch of reality, has night mear's, crying in his sleep from constant dreams of death, even being placed on close custody watch for suicide impulse's. This time has been torturous to the plaintiff and Judge Rechley could have reminded and chose not to. Do to the fact he is a Judge and can not be sued in his individual capacity the Commonwealth is liable for the Common Pleas Judge.

Lehigh County Jail

Lehigh County Jail, Warden Russell and Director Donato in their attemp to mirror the B.O.P P.R.R, secured every inmate in their cell 22 to 23 hrs a day, only facilitating, commissary, laundry, shower, telephone and computer access. These attemp at social distancing, temperture checking, mask wearing, enhanced cleaning all mesure's being of limited effect, were none of the staff quarintined at their home's and could be asymptomatic spreaders, nothing short of plastic wrapping the inmate's would have protected the plaintiff in a closed in facility with an air born virus. reasonable safety precaution should have been aggressive air cleaning and equipment. Which the Warden and Director did not do.

page (4.) Statement of Claims

Lehigh County Jail

Their failure to not implement aggressive air cleaning measure's where a life threatening air born virus had enter its facility was a reckless disregard to the health & safety of the plaintiff, and failed to protect him as their ward. The 1 year long extention of the PRR social distancing measure's, was a reckless disregard to the mental effects of the solitary confinement condition, and shockingly conscience disregard of the mentally disable, mental health, was overly excessive and caused great harm mentally and physically upon the plaintiff.

Kyle Russell and Janine Donato are being held in their individual capacity for all harm mentally and physically the plaintiff was subjected to. In in their official capacity Lehigh County Jail, the City of Allentown and Lehigh County as liable for All harm to the plaintiff while in their custody, and any future harm cause by their deliberate-indifference. Lehigh County Jail knew covid19 was a virus that could take life and knew they could not protect its wards and should medically discharge the plaintiff for he need /extra precaution/cdc.gov.

Lehigh Valley Pretrial Service/P.O. Ashley R. Stumpf

Pretrial Service's and its officers are meet the the Lehigh county bail procedures.

page (5) Statement of Claims

Lehigh Valley Pretrial Service / P.O Ashley R Stumpf

Their are heavily relied upon and the courts seldom go against their recommendation. The recommended denial of relief for the plaintiff during a global crisis, and being aware of the plaintiff be high risk to covid19 and sever illness and death, was deliberately-indifferent and a complete reckless disregard to his life, where they could have implemented numerous measure to secure the plaintiff court appearance as oppose to letting him be subjected to the harm he has acquired during his confinement.

I hold Ashley R. Stumpf liable for all harm to plaintiff during his confinement and any future harm from these events, in her individual capacity and Pretrial Service's, her employer in her official capacity.

Dentare Henderson 184122
LEHIGH COUNTY PRISON
38 NORTH 4TH STREET
ALLENTOWN, PA 18102-3469

Kate Bart.
United Stc
2609 U.S.
601 Market
Philadelphia



X-RAY
S.W.S.

ian Clerk of Court
es District Court

courthouse

F Street

a. P. A. 19106-1796